

SCOTT N. SCHOOLS (SCBN 9990)  
United States Attorney

BRIAN J. STRETCH (CABN 163973)  
Chief, Criminal Division

BRIGID S. MARTIN (CABN 231705)  
Special Assistant United States Attorney

450 Golden Gate Avenue, Box 36055  
San Francisco, CA 94102  
Telephone: (415) 436-7129  
Facsimile: (415) 436-7234  
Email: [brigid.martin2@usdoj.gov](mailto:brigid.martin2@usdoj.gov)

Attorneys for Plaintiff

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA,	)	No. CR 07-0473 PJH
	)	
Plaintiff,	)	STIPULATION AND <del>[PROPOSED]</del>
	)	ORDER EXCLUDING TIME UNDER THE
v.	)	SPEEDY TRIAL ACT
	)	
DONALD CLYBURN,	)	
	)	
Defendant.	)	

The United States and defendant Donald Clyburn stipulate to an exclusion of time under the Speedy Trial Act from October 3, 2007 to November 7, 2007, as follows:

On October 3, 2007, the parties appeared before the District Court Judge. Steven F. Gruel made his initial appearance in this case as defense counsel. Defendant was previously represented by Eric Safire.

At this appearance, the defendant requested, the government agreed, and the Court approved, an exclusion of time under the Speedy Trial Act, 18 U.S.C. § 3161(c)(1), from October 3, 2007 to November 7, 2007. The grounds for exclusion were under 18 U.S.C. § 3161(h)(8)(A) & (B)(iv). Failure to grant the requested exclusion of time would unreasonably deny Defendant continuity of counsel. Furthermore, failure to grant the requested exclusion of

SPEEDY TRIAL ACT STIP.  
CR 07-0473 PJH

1 time would unreasonably deny defense counsel the reasonable time necessary for effective  
2 preparation, taking into account the exercise of due diligence. The parties agree that the ends of  
3 justice served by excluding the period from October 3, 2007 to November 7, 2007, outweigh the  
4 best interest of the public and the defendant in a speedy trial. 18 U.S.C. § 3161(h)(8)(A).

5 A proposed Order is submitted with this stipulation.  
6  
7

8 DATED: October 4, 2007

Respectfully submitted,

9 SCOTT N. SCHOOLS  
10 United States Attorney

11 /s/ Brigid S. Martin  
12 BRIGID S. MARTIN  
Special Assistant United States Attorney

13 /s/ Steven F. Gruel  
14 STEVEN F. GRUEL  
15 Counsel for Donald Clyburn  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA,  
Plaintiff,  
v.  
DONALD CLYBURN,  
Defendant.

No. CR 07-0473 PJH  
[PROPOSED] ORDER EXCLUDING  
TIME UNDER THE SPEEDY TRIAL ACT

Based upon the Stipulation of defendant Donald Clyburn and the United States, and for good cause shown, IT IS HEREBY ORDERED that time under the Speedy Trial Act, 18 U.S.C. § 3161(b), is excluded from October 3, 2007 to November 7, 2007, under 18 U.S.C. § 3161(h)(8)(A) & (B)(iv). The Court finds that the failure to grant this exclusion of time would unreasonably deny counsel for the defendant and the government the reasonable time necessary for effective preparation, taking into account the exercise of due diligence. The Court further finds that the ends of justice served by such action outweigh the best interest of the public and the defendant in a speedy trial.

DATED: 10/10/07

